

The House Committee on Regulated Industries offers the following substitute to SB 146:

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages,  
2 so as to provide for and change certain regulations as to the sale and consumption of  
3 alcoholic beverages; to provide that in counties and municipalities in which Sunday sales of  
4 alcoholic beverages for consumption on the premises is authorized as a result of a  
5 referendum the hours of such sales may be extended without the passage of an additional  
6 referendum; to provide that governing authorities of counties and municipalities in which the  
7 sale of alcoholic beverages is lawful may authorize sales of such alcoholic beverages for  
8 consumption off the premises during a certain time on Sundays; to provide a limited  
9 exception to the distance requirements for certain sales of alcoholic beverages in areas  
10 designated as historic districts if so permitted by the local governing authority; to remove  
11 certain exceptions to the distance requirements for sales of alcoholic beverages; to provide  
12 that retail package liquor stores may conduct tasting events at which samples of alcoholic  
13 beverages may be served; to provide for definitions; to provide for terms and conditions of  
14 tasting events; to provide for the promulgation of rules and regulations by the state revenue  
15 commissioner; to specify that manufacturers and wholesalers may provide samples of  
16 alcoholic beverages to retail dealers under certain conditions; to revise provisions for  
17 purposes of conformity; to provide for related matters; to repeal conflicting laws; and for  
18 other purposes.

19                   BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20                   **SECTION 1.**

21 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is  
22 amended in Code Section 3-3-7, relating to local authorization and regulation of sales of  
23 alcoholic beverages on Sunday, by revising subsection (j.1) and adding new subsections to  
24 read as follows:

25       "(j.1)(†) Notwithstanding any other provisions of law, in all counties or municipalities in  
26 which the governing authority prior to May 8, 2018, has been authorized pursuant to a

referendum to permit the sale of alcoholic beverages for consumption on the premises on Sundays, such governing authority of the county or municipality, as appropriate, may by adoption of a resolution or ordinance authorize the sale of alcoholic beverages for consumption on the premises on Sundays from 11:00 A.M. until 12:00 Midnight for consumption on the premises on Sundays from 12:30 P.M. until 12:00 Midnight in any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging may, by resolution or ordinance conditioned on approval in a referendum, authorize the sale of alcoholic beverages for consumption on the premises of any such establishments on Sundays for an additional hour and a half during the time period of 11:00 A.M. until 12:30 P.M.

40 (2) Any governing authority desiring to permit and regulate Sunday sales pursuant to this  
41 subsection shall so provide by proper resolution or ordinance conditioned on approval in  
42 a referendum election. Not less than ten nor more than 60 days after the date of approval  
43 of such resolution or ordinance, it shall be the duty of the election superintendent of the  
44 county or municipality to issue the call for an election for the purpose of submitting the  
45 question of Sunday sales to the electors of the county or municipality for approval or  
46 rejection. The superintendent shall set the date of the election for a day not less than 30  
47 nor more than 60 days after the date of the issuance of the call. The superintendent shall  
48 cause the date and purpose of the election to be published in the official organ of the  
49 county once a week for two weeks immediately preceding the date thereof. The ballot  
50 shall have written or printed thereon the words:

55 All persons desiring to vote for approval of such Sunday sales shall vote 'Yes,' and those  
56 persons desiring to vote for rejection of such Sunday sales shall vote 'No.' If more than  
57 one-half of the votes cast on the question are for approval of such Sunday sales, the  
58 governing authority may by appropriate resolution or ordinance permit and regulate such  
59 Sunday sales by licensees. Otherwise, such Sunday sales shall not be permitted. The  
60 expense of the election shall be borne by the county or municipality in which the election  
61 is held. It shall be the duty of the superintendent to hold and conduct the election. It  
62 shall be his or her further duty to certify the result thereof to the Secretary of State.

63 (3) Notwithstanding this subsection or any other provision of law, all county or  
64 municipal resolutions or ordinances enacted prior to April 6, 1984, pursuant to the  
65 authorizations granted by subsections (a) through (i) of this Code section are declared to  
66 be valid and shall remain in full force and effect unless affirmatively repealed by the  
67 governing authority of the county or municipality."

68 "(s) Notwithstanding other laws, in all counties or municipalities in which package sales  
69 by retailers of malt beverages and wine are lawful, the governing authority of the county  
70 or municipality, as appropriate, may by adoption of a resolution or ordinance authorize  
71 package sales by retailers, other than retail package liquor stores, of malt beverages and  
72 wine for consumption off the premises on Sundays from 11:00 A.M. until 12:00 Midnight.  
73 The provisions of this subsection are in addition to or cumulative of and not in lieu of any  
74 other provisions of this title granting certain authority to a county or municipality relative  
75 to package sales by retailers.

76 (t) Notwithstanding other laws, in all counties or municipalities in which package sales by  
77 retailers of malt beverages, wine, and distilled spirits are lawful, the governing authority  
78 of the county or municipality, as appropriate, may by adoption of a resolution or ordinance  
79 authorize package sales by retailers, other than retail package liquor stores, of malt  
80 beverages, wine, and distilled spirits for consumption off the premises on Sundays from  
81 11:00 A.M. until 12:00 Midnight. The provisions of this subsection are in addition to or  
82 cumulative of and not in lieu of any other provisions of this title granting certain authority  
83 to a county or municipality relative to packages sales by retailers."

## 84 SECTION 2.

85 Said title is further amended by revising subsection (a) of Code Section 3-3-21, relating to  
86 sales of alcoholic beverages near churches, school buildings, or other sites, as follows:

87 "(a)(1) No person knowingly and intentionally may sell or offer to sell:

88 (A) Any distilled spirits in or within 100 yards of any church building or within 200  
89 yards of any school building, educational building, school grounds, or college campus;  
90 provided, however, that nothing in this subparagraph shall prohibit licensees for retail  
91 sales of closed packages of alcoholic beverages for consumption off the premises from  
92 selling distilled spirits in or within 200 yards of any college campus owned or operated  
93 by a private international college specializing in art and design and located within a  
94 designated historic district of a nonconsolidated county or municipality, where so  
95 permitted by resolution or ordinance of such county or municipality;

96 (B) Any wine or malt beverages within 100 yards of any school building, school  
97 grounds, or college campus. This subparagraph shall not apply at any location for  
98 which a license has been issued prior to July 1, 1981, nor to the renewal of such license.

Nor shall this subparagraph apply at any location for which a new license is applied for if the sale of wine and beer was lawful at such location at any time during the 12 months immediately preceding such application. ~~Nothing in this subparagraph shall prohibit a grocery store licensed for the retail sale of only wine and malt beverages for consumption off the premises from selling wine or malt beverages within 100 yards of any school building, school grounds, or college campus, where so permitted by resolution or ordinance of the county or municipality. As used in this subparagraph, the term 'grocery store' means a retail establishment which has a total retail floor space of at least 10,000 square feet of which at least 85 percent is reserved for the sale of food and other nonalcoholic items, conducts all of its sales inside the building containing its retail floor space, and meets such other criteria as may be required by the local governing authority of the county or municipality. Nothing in this subparagraph shall prohibit licensees for retail sales of closed packages of alcoholic beverages for consumption off the premises from selling wine or malt beverages within 100 yards of any college campus owned or operated by a private international college specializing in art and design and located within a designated historic district of a nonconsolidated county or municipality, where so permitted by resolution or ordinance of such county or municipality; or~~

(C) Any distilled spirits, wine, or malt beverages within 100 yards of an alcoholic treatment center owned and operated by this state or any county or municipal government therein. This paragraph shall not apply to any business having a license in effect on July 1, 1981.

(2) As used in this subsection, the term 'school building' or 'educational building' shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state and which are public schools or private schools as defined in subsection (b) of Code Section 20-2-690."

### SECTION 3.

Said title is further amended by revising Code Section 3-3-26, relating to allowing or permitting the breaking of packages or drinking of contents thereof on premises, as follows: "3-3-26.

(a) Except as provided in this Code section or Chapter 15 of this title, no retail package liquor store ~~No retail dealer~~ shall knowingly and intentionally allow or permit the breaking of any package or packages containing alcoholic beverages on the premises where sold or allow or permit the drinking of the contents of such package or packages on the premises

134 where sold. ~~This Code section shall not apply with respect to sales pursuant to a license~~  
135 ~~for consumption on the premises.~~

136 (b) Nothing in this title shall be construed to prohibit a representative or salesperson of a  
137 manufacturer or wholesaler from opening a package of alcoholic beverages on the premises  
138 of a retail package liquor store or other retail dealer for the purpose of providing samples  
139 of such alcoholic beverage product to a retail dealer or its employees for consumption on  
140 the licensed premises, provided that:

141 (1) All samples are provided and consumed in the presence of a representative or  
142 salesperson of the manufacturer or wholesaler in an office, storage room, or other area  
143 of the licensed premises of the retail dealer that is closed to the public; and

144 (2) Such representative or salesperson of the manufacturer or wholesaler removes from  
145 the licensed premises any packages he or she brought onto such licensed premises in  
146 order to provide samples of alcoholic beverage products.

147 For purposes of this subsection, the term 'sample' means a small amount of any malt  
148 beverage, wine, or distilled spirits.

149 (c) The commissioner shall promulgate and enforce such rules and regulations as he or she  
150 may deem reasonable and necessary to effectuate the provisions of this Code section."

#### 151 SECTION 4.

152 Said title is further amended by revising Code Section 3-4-25, relating to holder of retail  
153 dealer's license authorized to sell only unbroken packages and prohibition against the  
154 breaking of packages or drinking of the contents thereof on the premises, as follows:

155 "3-4-25.

156 (a) Except as provided in Code Section 3-3-26 or Chapter 15 of this title, a ~~A~~ retail dealer's  
157 license shall authorize the holder to sell distilled spirits only in the original and unbroken  
158 package or packages, which package or packages shall contain not less than 50 milliliters  
159 each.

160 (b) Except as provided in Code Section 3-3-26 or Chapter 15 of this title, a ~~A~~ retail dealer's  
161 The license shall not permit the breaking of the package or packages on the premises where  
162 sold and shall not permit the drinking of the contents of the package or packages on the  
163 premises where sold."

#### 164 SECTION 5.

165 Said title is further amended by adding a new chapter to read as follows:

166

"CHAPTER 15167 3-15-1.168 As used in this chapter, the term:169 (1) 'Licensed premises' means any premises in which any alcoholic beverages are sold  
in unbroken packages and shall include any premises which are required by law to be  
licensed to sell any alcoholic beverages in unbroken packages.172 (2) 'Licensee' means the holder of a retail package liquor store license.173 (3) 'Operator' means an owner, licensee, operator, manager, or person in charge of any  
licensed premises.175 (4) 'Sample' means a small amount of any malt beverage, wine, or distilled spirits.176 (5) 'Tasting event' means a scheduled event hosted by a licensee at which free samples  
may be provided and that may be open to the general public or limited by invitation.178 3-15-2.179 Notwithstanding any other provision of this title, in all counties and municipalities in which  
the sale of alcoholic beverages is lawful, retail package liquor stores shall be authorized to  
conduct up to 24 tasting events per calendar year, subject to the following terms and  
conditions:183 (1) A tasting event shall only take place on the licensed premises and only at times at  
which such alcoholic beverages may be lawfully sold on such licensed premises;185 (2) Only one tasting event per day may be held on the licensed premises and such tasting  
event shall not exceed four hours;187 (3) Only one type of alcoholic beverage may be served at a tasting event, either malt  
beverages, wine, or distilled spirits; provided, however, that more than one brand of such  
type of alcoholic beverage may be offered so long as not more than four packages are  
open at any one time;191 (4) If the tasting event is for malt beverages, a consumer shall not be served more than  
eight ounces of malt beverages during such tasting event. If the tasting event is for wine,  
a consumer shall not be served more than five ounces of wine during such tasting event.194 If the tasting event is for distilled spirits, a consumer shall not be served more than one  
and one-half ounces of distilled spirits during such tasting event;196 (5) Only alcoholic beverages that the licensee is licensed to sell on the licensed premises  
may be offered as part of a tasting event, and such alcoholic beverages shall be part of the  
licensee's inventory;

199 (6) Only food that is lawful to sell on the licensed premises, under this title or under any  
200 rules or regulations of the commissioner, may be served as part of a tasting event. Such  
201 food shall be offered at no cost to the consumer;

202 (7) Any operator or employee of the licensee may refuse to provide any brand, type, or  
203 quantity of alcoholic beverage to any consumer;

204 (8) The licensee shall notify the department prior to holding a tasting event using a  
205 method to be established by department rules and regulations;

206 (9) Any broken package containing alcoholic beverages on the licensed premises that is  
207 not licensed for retail sales for consumption on the premises shall be kept locked in a  
208 secure room or cabinet by the operator of the licensed premises except when in use  
209 during a tasting event;

210 (10) Representatives and salespersons of manufacturers or wholesalers may attend a  
211 tasting event; provided, however, that such representatives and salespersons shall not host  
212 the tasting event, pour any alcoholic beverage, or provide anything of value to any  
213 consumer or to the licensee or an employee of a licensee; and

214 (11) Any other terms, conditions, and limitations as may be required or imposed by the  
215 governing authority of the county or municipality.

216 3-15-3.

217 The commissioner shall promulgate and enforce such rules and regulations as he or she  
218 may deem reasonable and necessary to effectuate the provisions of this chapter.

219 3-15-4.

220 Upon a violation by a retail dealer of any provision of this chapter or any rule or regulation  
221 promulgated thereunder, the commissioner shall have the power to place conditions or  
222 limitations on such retail dealer's license and to modify or amend such conditions or  
223 limitations."

224 **SECTION 6.**

225 All laws and parts of laws in conflict with this Act are repealed.